

CLARKSON LAW FIRM, P.C.
Glenn A. Danas (SBN 270317)
gdanas@clarksonlawfirm.com
Shireen M. Clarkson (SBN 237882)
sclarkson@clarksonlawfirm.com
Zarrina Ozari (SBN 334443)
zozari@clarksonlawfirm.com
Katelyn M. Leeviraphan (SBN 348549)
kleeviraphan@clarksonlawfirm.com
22525 Pacific Coast Highway
Malibu, CA 90265
Tel: (213) 788-4050
Fax: (213) 788-4070

Attorneys for Plaintiffs

McDERMOTT WILL & EMERY LLP
Joshua B. Simon
jsimon@mwe.com
Warren Haskell
whaskel@mwe.com
Dmitriy Tishyevich (SBN 275766)
dtishyevich@mwe.com
John J. Song
jsong@mwe.com
Chelsea Cosillos
ccosillos@mwe.com
One Vanderbilt Avenue
New York, NY 10017-3852
Tel: (212) 547-5400
Fax: (212) 547-5444

Attorneys for Defendants

**UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF CALIFORNIA**

SUZANNE KISTING-LEUNG and AYESHA
SMILEY, individually and on behalf of all other
similarly situated,

Plaintiffs,

vs.

CIGNA CORPORATION, CIGNA HEALTH
AND LIFE INSURANCE COMPANY, and
DOES 1 through 50, inclusive,

Defendants.

Case No. 2:23-cv-01477-DAD-KJN

**JOINT STIPULATION TO FILE
FIRST AMENDED CLASS ACTION
COMPLAINT PURSUANT TO FRCP
15(a)(2); [PROPOSED] ORDER**

Complaint Filed Date: July 24, 2023
Trial Date: Not Set

1 Plaintiffs Suzanne Kisting-Leung and Ayesha Smiley, and Defendants Cigna Corporation
2 and Cigna Health and Insurance Company submit the following joint stipulation and request that the
3 Court grant Plaintiffs leave to file a First Amended Class Action Complaint pursuant to Rule 15(a)(2)
4 of the Federal Rules of Civil Procedure:

5 **WHEREAS**, Plaintiffs filed their Class Action Complaint in this action on July 24, 2023;

6 **WHEREAS**, Defendants filed an unopposed motion for administrative relief for extension
7 of time to answer, move, or otherwise respond to Complaint on August 7, 2023;

8 **WHEREAS**, the Court granted Defendants' unopposed motion for administrative relief for
9 extension of time to answer, move, or otherwise respond to Complaint and set the deadline for
10 Defendants to file a response to Complaint by September 29, 2023;

11 **WHEREAS**, the parties have met and conferred regarding certain allegations in this
12 litigation and agreed to allow Plaintiffs to file the First Amended Complaint to provide additional
13 details pertaining to their claims.

14 **WHEREAS**, the parties agreed that Plaintiffs shall have until October 16, 2023, to file the
15 First Amended Complaint.

16 **WHEREAS**, the parties agreed that Defendants shall have until November 30, 2023, to
17 answer, move, or otherwise respond to the First Amended Complaint.

18 **NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED** between the
19 parties hereto, through their respective attorneys of record, that:

- 20 1. Plaintiffs may, pursuant to Rule 15(a)(2) of the Federal Rules of Civil Procedure, file
21 an amended complaint in the form of the First Amended Complaint on or before
22 October 16, 2023;
 - 23 2. Defendants' responsive pleading shall be due on or before November 30, 2023.
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1 Respectfully submitted,

2 DATED: September 14, 2023

CLARKSON LAW FIRM, P.C.

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4 By: /s/ Glenn A. Danas

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12 Malibu, CA 90265
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14 Fax: (213) 788-4070

Attorneys for Plaintiffs

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28 DATED: September 14, 2023

McDERMOTT WILL & EMERY LLP

By: /s/ John J. Song (as authorized on 9/13/2023)

Joshua B. Simon
jsimon@mwe.com
Warren Haskel
whaskel@mwe.com
Dmitriy Tishyevich (SBN 275766)
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ORDER

The Court having reviewed the parties' Joint Stipulation to File First Amended Class Action Complaint pursuant to Rule 15(a)(2) of the Federal Rules of Civil Procedure, and for good cause appearing, **IT IS HEREBY ORDERED** that Plaintiffs are granted leave to file the First Amended Complaint on or before October 16, 2023.

IT IS FURTHER SO ORDERED that Defendants' responsive pleading shall be filed on or before November 30, 2023.

IT IS SO ORDERED

DATED: _____, 2023

Honorable Dale A. Drozd
United States District Judge

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22525 Pacific Coast Highway
Malibu, CA 90265